

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RYAN R. LOSSE,

Plaintiff,

v.

Case No. 18-C-1481

CITY OF APPLETON, et al.,

Defendants.

DECISION AND ORDER

This matter is before the court on the plaintiff's motion for an extension of time to file his response to the defendants' motions for summary judgment and for leave to conduct limited discovery regarding defendants' qualified immunity defense. ECF No. 39. Federal Rule of Civil Procedure 56(d) requires a nonmovant seeking a continuance before opposing summary judgment show "by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition." The plaintiff has failed to meet this obligation. More importantly, "[t]he basic thrust of the qualified-immunity doctrine is to free officials from the concerns of litigation, including 'avoidance of disruptive discovery.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 685 (2009) (quoting *Siegert v. Gilley*, 500 U.S. 226, 236(1991) (Kennedy, J., concurring in judgment)). "[Q]ualified immunity is in part an entitlement not to be forced to litigate the consequences of official conduct." *Mitchell v. Forsyth*, 472 U.S. 511, 527 (1985). Consequently, because the plaintiff has not provided specific reasons as to why limited discovery is required, and in line with the purpose of qualified immunity—to prevent government officials from being burdened with discovery and litigation—the court will deny the plaintiff's request for leave to conduct limited

discovery. The court will grant the plaintiff's requested extension of time to respond to the defendants' motions for summary judgment. The plaintiff's responses are due March 15, 2019.

SO ORDERED this 11th day of February, 2019.

s/ William C. Griesbach

William C. Griesbach, Chief Judge
United States District Court